

LOS ANGELES COUNTY REGIONAL PLANNING COMMISSION STAFF REPORT

PROJECT NO.: R2008-01324

RADV 2008-00008

ENVIRONMENTAL ASSESSMENT CASE NO.: 2009-00045

DRAFT FARMWORKER HOUSING ORDINANCE

INTRODUCTION

The Draft Farmworker Housing Ordinance, which is a program in the Los Angeles County Housing Element, amends the zoning code (Title 22 of the Los Angeles County Code) to bring the County's provisions for farmworker housing into compliance with the Employee Housing Act (Sections 17000-17062.5 of the California Health and Safety Code).

BACKGROUND

Los Angeles County Housing Element

For the Third Revision of the Housing Element (1998-2005), the staff determined that farmworkers and their households faced many challenges in securing safe and affordable housing in the unincorporated areas of Los Angeles County, and proposed *Program 43: Farmworker Housing Assistance Program*. The Fourth Revision of the Housing Element (2008-2014) also identifies a need for farmworker housing, reiterates the County's commitment to implementing Program 43, and references the Employee Housing Act [Attachment A] for further guidance in *Appendix F: Progress Report on the Implementation of the Farmworker Housing Assistance Program (Program 43) for the Third Revision of the Housing Element*.

Employee Housing Act (California Health and Safety Code Sections 17000-17062.5)

There are three main sections of the Employee Housing Act that offer guidance in how local jurisdictions should permit farmworker housing for the purposes of zoning and land use:

- Section 17021.5 of the Health and Safety Code considers farmworker housing for five to six farmworkers as a single-family structure and as a residential land use.
- Section 17021.6 of the Health and Safety Code considers farmworker housing consisting of no more than 36 beds in group living quarters or 12 units or spaces for farmworkers and their households, as an agricultural land use. With the exception of Sections 17021.5 and 17021.6, the Employee Housing Act defers all other zoning requirements, local fire zones, property lines and water and sewer to local jurisdictions.
- Section 17008 of the Health and Safety Code highlights the flexibility in housing type for farmworker housing, which includes both conventional and non-conventional structures, and outlines the eligibility criteria for employee housing.

PROPOSED AMENDMENTS

Definitions/Terms

The Draft Farmworker Housing Ordinance [Attachment B] adds definitions for the following terms: *agriculture* and *farmworker*, which are from the California Labor Code and limited for use in Title 22 for the purposes of farmworker housing; and *seasonal employee housing* and *temporary employee housing*, which are from the Employee Housing Act. The Draft Ordinance also removes *farm labor camps*, which is a use currently subject to permit in zones A-2 (Heavy Agricultural Zone) and A-2-H (Heavy Agricultural Including Hog Ranches).

Furthermore, the Draft Ordinance proposes two types of farmworker housing: *farmworker dwelling unit* and *farmworker housing complex*, which implement the provisions of Sections 17021.5 and 17021.6 of the Employee Housing Act [See Table 1].

TABLE 1. Farmworker Housing

	Occupancy Requirements	Unit / Bed Requirements
Farmworker dwelling unit	Minimum of five and maximum of six farmworkers.	One single family structure.
Farmworker housing complex	Minimum of five farmworkers. May also include households.	No more than 12 residential units or spaces for use by farmworkers and their households, or group living quarters, such as barracks and bunkhouses, accommodating no more than 36 beds for use by farmworkers.

Applicability

The Draft Ordinance permits *farmworker dwelling units* and *farmworker housing complexes* in zones that permit single-family residential uses and agricultural uses, either through a discretionary (CUP) or non-discretionary (P) procedure [See Table 2].

TABLE 2. Permitting of Farmworker Dwelling Units and Farmworker Housing Complexes

Zone Designation	Farmworker Dwelling Unit	Farmworker Housing Complex
R-1 Single Family Residence	P	CUP
R-2 Two Family Residence	P	CUP
R-3 Multi-family Residence	P	CUP*
R-4 Unlimited Residence	P	CUP*
R-A Residential Agricultural	P	P
A-1 Light Agricultural	P	P
A-2 Heavy Agricultural	P	P
A-2-H Heavy Agricultural	P	P
C-H Commercial Highway	P	P
C-1 Restricted Business	P	P
C-2 Neighborhood Business	P	P
C-3 Unlimited Commercial	P	P
C-M Commercial Manufacturing	CUP	CUP
C-R Commercial Recreation	P	P

*Farmworker housing complexes will be subject to permit in zones R-3 and R-4 unless the housing accommodation is currently listed as a permitted use and consistent with dwelling unit density.

- **Exceptions:** *Farmworker dwelling units* are prohibited in Airport Influence Areas and Environmentally Sensitive Habitat Areas (ESHAs). *Farmworker housing complexes* are prohibited in Airport Influence Areas, ESHAs and Very High Fire Hazard Severity Zones (VHFHSZs). Furthermore, *farmworker housing complexes* are subject to the Hillside

Management and Significant Ecological Area (SEA) conditional use permits; *farmworker dwelling units*, which are single-family residential uses, are exempt.

Housing Types

The Employee Housing Act allows for flexibility in housing types for farmworker housing, including conventional and non-conventional structures, such as: living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, and travel trailers. The laws and regulations governing these structures depend on the housing type [See Table 3]; however, all employee housing must comply with the Employee Housing Act and the Employee Housing Regulations, which outline specific requirements for the construction of housing, maintenance of grounds, buildings, sleeping space and facilities, sanitation, and heating.

TABLE 3. Housing Types and Corresponding Laws, Regulations, and Permit Procedures

Type	Laws and Regulations	Local Permits	State Permits
Conventional structures	Local regulations	Applicants must obtain permits from Regional Planning, Public Works, Fire, and Public Health (Environmental Health)	HCD issues permit to operate employee housing
Mobilehomes and manufactured housing (two or more on one lot)	CA Mobilehome Parks Act and Regulations	HCD requires an approval in concept from Regional Planning, Public Works, Fire, and Public Health (Environmental Health)	Upon consent from local agencies, HCD issues permit to construct and permit to operate *
Non-conventional structures (two or more on one lot), such as tents, recreational vehicles, and travel trailers	CA Special Occupancy Parks Act and Regulations	HCD requires an approval in concept from Regional Planning, Public Works, Fire, and Public Health (Environmental Health)	Upon consent from local agencies, HCD issues permit to construct and permit to operate *

* If a local agency is inappropriately withholding approval, HCD will issue the permit to construct and permit to operate.

Development Standards

- Parking:** The Draft Ordinance does not modify parking standards for residential uses for farmworker housing, with the exception of the allowance of tandem and uncovered parking. In addition, for *farmworker housing complexes* that are group living quarters, such as bunkhouses, the Draft Ordinance adds a requirement for one parking space for every two beds.
- Additional Standards:** In addition to existing development standards for residential land uses, *farmworker dwelling units* and *farmworker housing complexes* are required to locate at least 75 feet from barns, pens, and other structures that house livestock or poultry, which is required by Title 25 of the California Code of Regulations, and 50 feet from agricultural uses.

Enforcement

HCD is the primary agency for enforcing and monitoring employee housing. In addition to the State's oversight, the proposed ordinance requires that all projects record a covenant and agreement with the Office of the County Recorder and submit an annual verification form to the Department of Regional Planning to ensure compliance with the ordinance. Furthermore, the Draft Ordinance also requires that farmworker housing projects obtain the appropriate permits

from HCD, and the County Departments of Regional Planning, Public Health (Environmental Health), Public Works and Fire, as applicable.

DISCUSSION/ISSUES

Needs Assessment¹

- **Farmworkers:** Citing 2000 Census data, the Fourth Revision of the Los Angeles County Housing Element states that there are approximately 7,700 (0.2% of the population) agricultural workers living in Los Angeles County as a whole. In the unincorporated areas, there are approximately 1,192 agricultural workers, which make up 0.3% of the unincorporated County's population. In the latest U.S. Department of Agriculture (USDA) Census of Agriculture (2007), commercial farm operators in Los Angeles County reported employing 5,133 workers during the previous year. Most (70%) of these workers work more than 150 days out of the year, while the remaining 30% work less than 150 days. These numbers do not include household information.
- **Agricultural Uses:** According to the 2007 USDA data, there are 1,734 farms operating in Los Angeles County. The total acreage of farmland is 108,463, while the average farm size is approximately 63 acres.

In unincorporated Los Angeles County, the majority of the active agricultural uses are housed in the Antelope Valley, with some activity in the Santa Clarita Valley and the Santa Monica Mountains. Large onion, carrot, and stone fruit operations are located in the Antelope Valley. One operator farms 6,000 acres of carrots, while another grows onions on approximately 4,500 acres. In the community of Littlerock, one grower plants 800 acres of cherries, apricots, peaches, nectarines, and plums. Onions and stone fruits are still harvested manually, which results in an increased demand for labor during the harvest season. Between 500 and 600 additional farmworkers are needed to harvest onions during the months of September and October. Most crops grown in the Santa Clarita Valley are located near the border of Ventura County; however, one vineyard in the unincorporated community of Agua Dulce cultivates 70 acres of wine grapes. In addition, two vineyards that collectively grow 95 acres of grapes and 60 acres of avocados are located in the Santa Monica Mountains.

- **Housing Need:** Extremely-low wages combined with the high cost of housing in Los Angeles County leave farmworkers and their households with few safe and affordable housing opportunities. According to the 2007 USDA data, the average payroll reported per employee was about \$18,000. For farms that employ workers for fewer than 150 days per year, the average per worker payroll was about \$6,220.

Interviews with community members and legal advocates suggest that many unaccompanied migrant farmworkers camp in open fields or in the desert during the harvest season in the unincorporated areas. With farmworkers unable to secure leases during the temporary harvest season, overcrowded housing situations are also common.

¹ The major findings are based on the Housing Section staff's research and analyses. For more detailed information, please see the Farmworker Housing Ordinance Background Report [Attachment C].

Impact of Draft Ordinance

To comply with the Employee Housing Act, the proposed ordinance applies Countywide to all the unincorporated areas and permits farmworker housing of up to 12 units or spaces, or 36 beds in group quarters, through a non-discretionary procedure in certain zones [See Table 2]. The proposed ordinance allows *farmworker housing complexes* through a non-discretionary procedure on an estimated 108,641 parcels that permit less than 12 residential units or spaces through a non-discretionary procedure [See Table 4].

Although some agricultural activities are located in the Santa Clarita Valley and the Santa Monica Mountains, the Antelope Valley houses the majority of active agricultural uses. Of these three areas, only the Antelope Valley would permit *farmworker housing complexes*.

TABLE 4. Number of Applicable Parcels* in Unincorporated Los Angeles County and Unincorporated Antelope Valley

	<i>Unincorporated County</i>		<i>Unincorporated Antelope Valley</i>	
	Number of Parcels	Percentage of Parcels	Number of Parcels	Percentage of Parcels
Zoning Permits < 12 units	108,641	96.08%	52,031	94.50%
Zoning Permits >= 12 units	4,436	3.92%	3,028	5.50%
Totals	113,077	100.00%	55,059	100.00%

*Includes all parcels zoned A-1, A-2, A-2-H, C-1, C-2, C-3, C-H, and R-A, except for those parcels located in an Airport Influence Area, Very High Fire Hazard Severity Zone, ESHA, and/or SEA.

Source: Department of Regional Planning, GIS Section.

However, the following factors suggest that farmworker housing projects will not occur with significant frequency as a result of the Draft Ordinance:

- A comparison of 2002 and 2007 USDA data shows that both the amount of farmland, as well as the number of farmworkers in Los Angeles County are declining;
- Only two conditional use permit cases have been submitted and approved for farmworker housing in the past two decades;
- According to HCD, there are only seven active HCD-permitted employee housing projects in unincorporated Los Angeles County; and
- The high costs associated with developing and maintaining employer-provided housing, combined with limited funding sources and liability concerns unfortunately make the provision of employee housing a financially infeasible option for many agricultural operators.

COMMUNITY OUTREACH

Over the past year, the staff interviewed major stakeholders, including farmworker advocates, affordable housing developers, farmworkers, and farm owners/operators and conducted multiple field visits to agricultural areas of the unincorporated County. To gain a better understanding of agricultural uses and the housing needs associated with these uses, the staff distributed a survey to owners of active agricultural land in the unincorporated areas.

The staff held community outreach meetings in the Santa Clarita Valley at Val Verde Community Regional Park on September 10, 2008, and in Palmdale at the Los Angeles County Farm Bureau headquarters on September 17, 2008. On September 10, 2008, the staff also presented to the Los Angeles County Office of Education, Migrant Education Program's Regional Parent Advisory Council, which is comprised of migrant farmworkers who reside in Los

Angeles County. The staff also attended the Association of Rural Town Council's meeting on September 25, 2008. For a more detailed description of these meetings, please see the Farmworker Housing Ordinance Background Report [Attachment C].

GENERAL PLAN CONSISTENCY

The Draft Farmworker Housing Ordinance is in conformance with the purpose, intent and provisions of the Los Angeles County General Plan. Specifically, the proposed ordinance supports the following goals, policies, and programs:

Housing Element, Housing Availability, Goal 1: A wide range of housing types in sufficient supply to meet the needs of current and future residents, particularly persons with special needs, including but not limited to low income households, seniors, persons with disabilities, single-parent households, the homeless and at-risk homeless, and farmworkers.

Housing Element, Housing Affordability, Goal 3: A housing supply that ranges broadly in housing costs to enable all households, regardless of income, to secure adequate housing.

General Policies, Housing and Community Development, Policy 47: Promote the provision of an adequate supply of housing by location, type and price.

Land Use Element, Conserve Resources and Enhance Environmental Quality, Policy 22: In non-urban areas outside of Potential Agricultural Preserves, encourage the retention and expansion of agriculture by promoting compatible land use arrangements and providing technical assistance to involved farming interests.

Land Use Element – Recommended Action Program, Program III – 20: Amend the County regulations (including the zoning ordinance) to allow increased densities as a means of encouraging low and moderate income housing.

ENVIRONMENTAL DOCUMENTATION

The staff has prepared a Draft Initial Study and Negative Declaration for the proposed amendments to Title 22 in compliance with the California Environmental Quality Act (CEQA) and the environmental reporting procedures of the County of Los Angeles [Attachment D].

Depending on the zone and the type of farmworker housing, the projects will be ministerial, subject to CEQA or exempt from project-level environmental review if they meet the requirements for agricultural housing in Sections 21159.21 and 21159.22 of the Public Resources Code.

PUBLIC COMMENT

The staff distributed the notice of public hearing and notice of intent to adopt a Negative Declaration and availability of the Draft Farmworker Housing Ordinance and Draft Initial Study and Negative Declaration to approximately 900 individuals and organizations. The notice was also published in 15 newspapers, including two Spanish language newspapers, of general circulation in the unincorporated areas of Los Angeles County between April 20 and April 27, 2009. The notice was also posted in the Los Angeles County Register-Recorder/County Clerk's office. The notice of public hearing and notice of intent to adopt a Negative Declaration was provided in both English and Spanish. Furthermore, the Draft Farmworker Housing Ordinance,

Draft Initial Study and Negative Declaration were made available on the DRP web site and in all County libraries.

As of the date of this report, the staff has not received any correspondence regarding this project.

RECOMMENDED CHANGES TO THE DRAFT ORDINANCE

Based on additional research, the staff recommends the following minor revisions to the Draft Ordinance, dated April 22, 2009, which was circulated for public review [Attachment E]:

1. Revise the definition of “farmworker dwelling unit” to clarify that they are single family structures;
2. Revise the definition of “farmworker housing complex” to clarify the flexibility in housing type;
3. Change “Airport Land Use Influence Area” to the adopted term “Airport Influence Area” in Section 22.52.2420;
4. Revise Section 22.52.2430.C to clarify the requirements for employer-provided housing; and
5. Highlight the State laws that govern various housing types, including the Special Occupancy Parks Act and the Mobilehome Parks Act.

A comparison of the original draft and the recommended revised draft is provided below:

Draft Farmworker Housing Ordinance (April 22, 2009)	Draft Farmworker Housing Ordinance (May 13, 2009)
“Farmworker dwelling unit” means that which is occupied solely by farmworkers.	“Farmworker dwelling unit” means a single family structure, which is occupied solely by farmworkers.
“Farmworker housing complex” means any housing accommodation, including group living quarters, such as barracks and bunkhouses, occupied by farmworkers or farmworkers and their households.	“Farmworker housing complex” includes conventional and non-conventional structures, such as: group living quarters, such as barracks and bunkhouses; dwelling; boardinghouse; tent; maintenance-of-way car; mobilehome; manufactured home; recreational vehicle; and travel trailer, and is occupied by farmworkers or farmworkers and their households.
22.52.2420 Prohibited areas. A. Farmworker dwelling units shall be prohibited if any portion of the lot is located in an Airport Land Use Influence Area or an Environmentally Sensitive Habitat Area (ESHA). B. Farmworker housing complexes shall be prohibited if any portion of the lot is located in an Airport Land Use Influence Area, an Environmentally Sensitive Habitat Area (ESHA), or a Very High Fire Hazard Severity Zone.	22.52.2420 Prohibited areas. A. Farmworker dwelling units shall be prohibited if any portion of the lot is located in an Airport Influence Area or an Environmentally Sensitive Habitat Area (ESHA). B. Farmworker housing complexes shall be prohibited if any portion of the lot is located in an Airport Influence Area, an Environmentally Sensitive Habitat Area (ESHA), or a Very High Fire Hazard Severity Zone.
22.52.2430.C Per Section 17008 (a) of the California Health and Safety Code, farmworker housing maintained in connection with any work or place where work is being performed, can include, but is not limited to: living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, and may be for temporary, seasonal,	22.52.2430.C Per Section 17008 (a) of the California Health and Safety Code, farmworker housing provided by the employer and maintained in connection with any work or place where work is being performed, may be for temporary, seasonal, or permanent residency.

or permanent residency.	
--	22.52.2430.E Farmworker housing shall comply with the Employee Housing Act (Health and Safety Code Sections 17000-17062.5), the Mobilehome Parks Act (Health and Safety Code Sections 18200-18700), and the Special Occupancy Parks Act (Health and Safety Code Sections 18860-18874), as applicable.

Additionally, the staff has made non-substantive revisions to the Draft Initial Study, dated April 22, 2009, which was circulated for public review, for consistency to reflect the recommended changes to the Draft Ordinance [Attachment F].

RECOMMENDED MOTION

I move that the Regional Planning Commission close the public hearing and find that the Negative Declaration reflects the independent judgment and analysis of the County, and approve the resolution recommending that the Board of Supervisors hold a public hearing to consider and adopt the Negative Declaration and find that the Draft Farmworker Housing Ordinance, with the staff's recommended changes, will not have a significant effect on the environment. I also move that the Regional Planning Commission approve the resolution recommending that the Board of Supervisors hold a public hearing to consider and adopt the proposed Draft Farmworker Housing Ordinance, along with the staff's recommended changes as discussed at today's hearing, and determine that it is compatible with and supports the goals and policies of the Los Angeles County General Plan.

Attachments:

- A. Employee Housing Act (Health and Safety Code Sections 17000-17062.5)
- B. Draft Farmworker Housing Ordinance; April 22, 2009
- C. Draft Background Report; May 11, 2009
- D. Draft Initial Study and Negative Declaration; April 22, 2009
- E. Draft Farmworker Housing Ordinance; Revised, May 13, 2009
- F. Draft Initial Study and Negative Declaration; Revised, May 13, 2009
- G. Draft Resolution

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RCH:CC:AR
May 13, 2009